

**Remarks/Arguments:**

Claims 1-13 are pending in the above-identified application.

Claims 1-13 were objected to as including informalities. These grounds for rejection are overcome by the amendments to claims 1-13. No new matter is added by these amendments. Claims 3-6 and 91-3 were objected to as being in improper form. This ground for rejection is overcome by the amendments to these claims. The claims were also objected to because they included added material that was not indicated by underlines. Applicant appreciates the courtesy granted by the examiner in considering these amendments.

Claims 1, 2, 7 and 8 were rejected under 35 U.S.C. § 112 as being indefinite. This ground for rejection is overcome by the amendments to these claims.

Claims 1 and 2 were rejected under 35 U.S.C. § 101 as being method claims not tied to another statutory category of invention. This ground for rejection is overcome by amending claims 1 and 2 to recite a processor which performs specific steps as defined by the claim elements. It is well settled that a processor performing a specific algorithm is specific apparatus.

[I]f a machine is programmed in a certain new and unobvious way, it is physically different from the machine without that program; its memory elements are differently arranged. The fact that these physical changes are invisible to the eye should not tempt us to conclude that the machine has not been changed. If a new machine has not been invented, certainly a 'new and useful improvement' of the unprogrammed machine has been, and Congress has said in 35 U.S.C. 101 that such improvements are statutory subject matter for a patent. *In re Bernhart* 417 F.2d 1395, 1400 (C.C.P.A 1969).

Because claim 1 recites specific apparatus it satisfies the machine branch of the test announced by the Federal Circuit in *In re Bilski*. Consequently, claim 1 and claims 2-6 which depend from it are not subject to rejection under 35 U.S.C. § 101.

As there were no rejections based on prior art, it is assumed that the claims are not subject to rejection under 35 U.S.C. §§ 102 or 103.

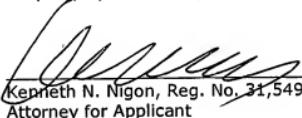
Amendment Dated March 18, 2009

Reply to Office Action of December 18, 2008

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. (MPEP 2106 II)

In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the objections to claims 1-13 and the rejection of claims 1, 2, 7 and 8.

Respectfully submitted,



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The Director is hereby authorized to charge or credit Deposit Account No. 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection herewith.

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